

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Aqua South Carolina for Approval of
a New Schedule of Rates and Charges for Water and
Sewerage Services Provided to Customers

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2009 - 12 - S

(Please type or print)

Submitted by: Scott ElliottSC Bar Number: 1872Address: Elliott & Elliott, P.A.Telephone: 803-771-0555721 Olive SteetFax: 803-771-8010Columbia, SC 29205

Other: _____

Email: sellott@elliottlaw.us

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigatio
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input checked="" type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input checked="" type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: Proposed
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

JK P. Duke
JK P. Duke

ELLIOTT & ELLIOTT, P.A.
ATTORNEYS AT LAW
721 OLIVE STREET
COLUMBIA, SOUTH CAROLINA 29205
selliott@elliottlaw.us

SCOTT ELLIOTT

TELEPHONE (803) 771-0555
FACSIMILE (803) 771-8010

April 27, 2009

HAND DELIVERY

Charles L. A. Terreni, Esquire
Chief Clerk of the Commission
SC Public Service Commission
P. O. Drawer 11649
Columbia, SC 29211

RE: Application of Aqua South Carolina for Approval of a New
Schedule of Rates and Charges for Sewerage Services Provided
to Customers in Spartanburg County
Docket No.: 2009-12-S

Dear Mr. Terreni:

Enclosed please find the original and twenty-five (25) copies of the **Rebuttal Testimony of Brian P. Devine** filed on behalf of Aqua South Carolina, in the above referenced docket. Also enclosed is a Certificate of Service reflecting service on all parties of record. I have enclosed an extra copy of this testimony which I would ask you to date stamp and return to me via my courier.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Sincerely,

Elliott & Elliott, P.A.



Scott Elliott

SE/jcl

Enclosures

cc: Jeffrey M. Nelson, Esq. w/encl.
Kimberly Joyce, Esq.

State of South Carolina
Before the
South Carolina Pubic Service Commission

RE: Application of Aqua South)
 Carolina for Approval of a New)
 Schedule of Rates and Charges)
 For Sewerage Services Provided to)
 Customers in Spartanburg County)

Docket No.: 2009-12-S

Rebuttal Testimony

of

Brian P. Devine

On Behalf of

Aqua South Carolina

April 27, 2009

RECEIVED
2009 APR 27 PM 11:33
PUBLIC SERVICE
COMMISSION

1 **BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

2 **AQUA SOUTH CAROLINA, INC.**

3 **REBUTTAL TESTIMONY OF BRIAN P. DEVINE**

4 **DOCKET NO. 2009-12-S**

5 **APRIL 27, 2009**

6 **Q. Please state your name and business address.**

7 A. My name is Brian P. Devine. My business address is 762 W. Lancaster Avenue,
8 Bryn Mawr, PA.

9 **Q. Have you filed direct testimony in this case?**

10 A. Yes. I filed direct testimony on April 2, 2009.

11 **Q. What is the purpose of your rebuttal testimony?**

12 A. I will address the issues raised in the testimony filed by M. Elizabeth Ford and
13 Christina L. Seale of the Office of Regulatory Staff (“ORS”).

14 **Q. In Exhibit MEF-1, Ms. Ford describes regulatory issues which were found to**
15 **be out of compliance with the South Carolina Code of Regulations. How is**
16 **the Company addressing these issues?**

17 A. Aqua South Carolina (“Aqua”) utilizes a local contractor specializing in
18 wastewater collection systems to resolve customer service issues promptly and
19 efficiently. Since Aqua does not maintain an office building within the state of
20 South Carolina, Aqua will request a waiver for South Carolina Code of
21 Regulations 103-516 and 103-530. Aqua will continue to work with its billing
22 vendor to ensure that its bills are in compliance with the South Carolina Code of
23 Regulations 103-532 and additionally provide the ORS contact information on

1 customer bills. If the changes cannot be made, Aqua South Carolina will request
2 a waiver

3 **Q. Do you disagree with Ms. Seale's adjustment number 19 regarding income**
4 **tax which is detailed in Audit Exhibit CLS-4?**

5 **A.** Yes. The ORS calculates federal income tax expense for Aqua on the basis of an
6 individual entity. Aqua pays its federal income tax on a consolidated basis.
7 Therefore, I believe this adjustment is inappropriate and an effective federal tax
8 rate of 35% should be utilized in the calculation of all federal income taxes. The
9 state income tax rate of 5% is correct.

10 **Q. Does this conclude your direct testimony?**

11 **A.** Yes, it does.

ORIGINAL

CERTIFICATE OF SERVICE

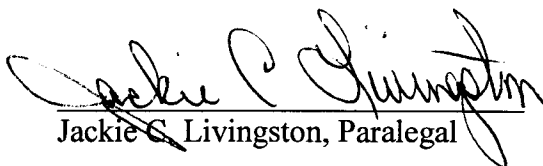
The undersigned employee of Elliott & Elliott, P.A. does hereby certify that she has served below listed parties with a copy of the pleading to the persons indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Application of Aqua South Carolina for Approval of a New
Schedule of Rates and Chares for Sewerage Services Provided to
Customers in Spartanburg County

Docket No.: 2009-12-S

PARTIES SERVED: Jeffrey M. Nelson, Esquire
Office of Regulatory Staff
P. O. Box 11263
Columbia, SC 29211

PLEADING: Rebuttal Testimony of Brian P. Devine


Jackie C. Livingston, Paralegal

April 27, 2009

RECEIVED
2009 APR 27 PM 4:38
SO. P. H. & SERVICE
NORTH CAROLINA